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   CITY OF BERKELEY, ROY L. MEISNER,
6 Chief of Police, Officer JOHN ETTARE,
   Officer FRANK LANDRUM, and
7 Officer MICHAEL HUERTA

8

9
                    UNITED STATES DISTRICT COURT
10
                   NORTHERN DISTRICT OF CALIFORNIA
11
                          OAKLAND BRANCH
12

13 **KAWAINE TATE,** | **NO. C 04 5221 SBA**

14   Plaintiff, | **STIPULATION AND ORDER TO
                                          | EXTEND ENE DEADLINE 14 DAYS**
15 v.

16 **CITY OF BERKELEY, a municipal
    corporation; etc.,**
17
              Defendants.
18
                           STIPULATION
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           Plaintiff Kawaine Tate and defendants City of Berkeley and the individual police officers
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    request and stipulate, through their counsel herein, that the deadline for the Early Neutral
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    Evaluation (ENE) in this case be extended 14 days beyond the original 90-day deadline imposed
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    by Local Rule 5-4. The 90th day after the Case Management Conference (which was held on
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    October 27, 2005) is January 25, 2006. However, during the scheduling of the ENE, defense
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    counsel inadvertently did not note that the primary individual officer defendant will be out of the
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    state during the week of January 23, 2006, and will be unable to attend the ENE that week.
26
    Accordingly, all the parties stipulate, and the ENE evaluator, David A. Levy, has agreed that the
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1   ENE session may be held with Mr. Levy on February 2, 2006 at 3:00 p.m., but in no event later

2   than February 7, 2006.

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5   Dated: January 17, 2006   _____/s/_____
                                                      MATTHEW J. OREBIC
6   Attorney for Defendants

7   Dated: January 17, 2006   _____/s/_____
                                                      BENJAMIN NISENBAUM
8   Attorney for Plaintiff

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10   **IT IS SO ORDERED:**

11   Dated:
       1/17/06_____
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13   _____
                                                      SAUNDRA BROWN ARMSTRONG
14   UNITED STATES DISTRICT JUDGE

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STIP AND ORDER TO EXTEND ENE DEADLINE
USDC NO. C 04 5221 SBA